

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY PETITION No 136 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MARVEL MARKETING LTD.

Versus

ANKUR ADHESIVES LTD

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Appearance:

MR SN SOPARKAR for Petitioner  
UNSERVED for Respondent.

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CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 09/12/96

ORAL JUDGEMENT

Marvel Marketing Limited has filed this petition under provisions of Section 439 of the Companies Act with a prayer that Ankur Adhesives Pvt. Ltd. (hereinafter referred to as "the Company") be wound up as the Company is unable to pay its dues to the tune of Rs.47,76,652/-.

Learned advocate Mrs Swati Soparkar appearing for the petitioner has submitted that the petitioner had

advanced money to the Company from time to time. As the Company was not returning the amount due and payable by it to the petitioner, a statutory notice dated 9th May, 1996 was sent to the Company by the petitioner. The said notice could not be actually served upon the Company as no one was found at the registered office of the Company and the notice sent to the Company was returned unserved with an endorsement "left" by the postal authorities. In the above referred circumstances, this petition has been filed by the petitioner. Notice was issued to the Company but nobody has appeared in pursuance of the notice. The petition was admitted on 11th September, 1996 and an order for advertisement was also passed on the same day. In pursuance of the said order, necessary advertisement was published in "Indian Express" and "Loksatta-Jansatta" on 11th October, 1996. In pursuance of the said advertisement, no one has come forward either to support or oppose this petition.

Learned advocate Mrs Soparkar has submitted that the Company is unable to pay its dues and, therefore, it would be just and proper to wind up the Company. As no reply has been filed to controvert the statements made in the petition, one can very well believe that the statements made in the petition are correct.

In the above referred circumstances, it would just and proper to pass an order for winding up of the Company. The Official Liquidator attached to this Court is appointed as the Official Liquidator and he is directed to initiate winding up proceedings against the Company. The Company is ordered to be wound up. The petition is allowed.

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